

**PIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

TEXAS BLOCKCHAIN COUNCIL, a nonprofit association; RIOT PLATFORMS, INC.,

Plaintiffs,

v.

DEPARTMENT OF ENERGY; JENNIFER M. GRANHOLM, in her official capacity as Secretary of Energy; ENERGY INFORMATION ADMINISTRATION; JOSEPH DECAROLIS, in his official capacity as Administrator of Energy Information Administration; OFFICE OF MANAGEMENT AND BUDGET; SHALANDA YOUNG, in her official capacity as Director of Office of Management and Budget,

Defendants.

Civil Action No. 6:24-cv-99

TEMPORARY RESTRAINING ORDER

Before the Court is Plaintiffs' Motion for Temporary Restraining Order (the "Motion").

Pursuant to Federal Rule of Civil Procedure 65(b) and for the reasons below, the Court **GRANTS** the Motion and **ORDERS** the relief described below.

Based on the Court's review of the Motion, the Verified Complaint, and Plaintiffs' supporting evidence, the Court finds that a temporary restraining order is warranted. Plaintiffs have demonstrated a substantial likelihood of success on the merits, and if a temporary restraining order is not entered, Plaintiffs will likely incur irreparable injury. In particular, Plaintiffs will be deprived of statutory rights—including the right to be free from collections of information in excess of authority under the law. *Nat'l Ass'n for Gun Rts., Inc. v. Garland*, No. 4:23-CV-00830-O, 2023

WL 6613080, at *17 (N.D. Tex. Oct. 7, 2023) (citing *Opulent Life Church v. City of Holly Springs, Miss.*, 697 F.3d 279, 297 (5th Cir. 2012)).

[This order is being issued without notice because Plaintiffs' and their members' responses to Cryptocurrency Mining Facilities Report Survey (EIA-862) (the "Survey") are due on February 23, 2023. If they do not respond by that date, they could incur criminal and civil penalties as a result of their failure to respond to the Survey. Accordingly, they would suffer immediate and irreparable damage if the temporary restraining order was not issued before Defendants can be heard in opposition. In addition, Plaintiffs' attorney has certified in writing efforts to give notice and why it was not required.]

Accordingly, the Defendants:

1. are restrained from requiring Plaintiffs or their members to respond to the Survey,
2. are restrained from collecting data required by the Survey, and
3. shall sequester and not share any such data that Defendants have already received.

This order shall be promptly filed in the clerk's office and entered in the record. It shall expire 14 days from the date of entry—unless before that time the Court, for good cause, extends it for a like period, or Defendants consent to a longer extension.

IT IS SO ORDERED this _____ day of _____, 2024.

UNITED STATES DISTRICT JUDGE